
TO: Electoral Area Services Committee **DATE:** January 8, 2019

FROM: Greg Keller
Senior Planner **FILE:** PL2018-175

SUBJECT: **Development Permit with Variance Application No. PL2018-175**
2110 and 2118 Schoolhouse Road – Electoral Area A
Lot 1, Section 11, Range 7, Cranberry District, Plan 21264

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2018-175 to permit the construction of an industrial building and related site improvements subject to the terms and conditions outlined in Attachments 2 to 7.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2018-175.

SUMMARY

To consider an application for a development permit with variance to permit the construction of an industrial building, the installation of signage, and associated improvements on the subject property. Given that the development permit (DP) guidelines have been met and no negative impacts are anticipated as a result of the proposed variances, it is recommended that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 7.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Dave McNaught on behalf of Kana Properties Ltd. to permit the construction of an industrial building, the installation of signage, and associated improvements. The subject property is approximately 0.93 hectares in area and is zoned Industrial 1 Zone, Subdivision District 'J', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is located to the east of Schoolhouse Road (see Attachment 1 – Subject Property Map) and is bordered by a parcel zoned Industrial 5 to the north and Industrial 1 to the east and south. The property is currently vacant, and is serviced with private onsite water and wastewater disposal.

DP PL2017-147 was previously issued to permit minor land alteration and the installation of a drainage inlet in conjunction with development activities on the adjacent lot to the south.

The subject property gently slopes down from Schoolhouse Road and contains a slight depression which is aligned with a drainage culvert on the south side of the subject property. There is no evidence of any watercourses located on the subject property or the property to the north.

The proposed development is subject to South Wellington Industrial Commercial Development Permit Area (SWDPA) per “Regional District of Nanaimo Electoral Area ‘A Official Community Plan Bylaw No. 1620, 2011”.

Proposed Development and Variances

The proposed development includes the construction of an industrial building with a floor area of approximately 1,107 square metres intended to be used for heavy equipment display and accessory repair. The proposed development also includes the placement of fill and associated site improvements. The proposed site plans, building elevations, signage plans, and landscaping plans are included on Attachments 3 to 7. The proposed development is consistent with the SWDPA guidelines with regard to groundwater protection, general design, parking and loading, landscaping and screening, site illumination and signage, and pedestrian and cyclist considerations.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 13.0 m for a proposed industrial building as shown on Attachment 3.
- **Schedule 3F – Landscaping Regulations** to vary the applicable bylaw buffer and screening requirements to allow landscaping that is consistent with the DPA guidelines as shown on Attachment 7.

The applicant is also proposing to construct one non-illuminated fascia sign and one non-illuminated freestanding sign on the subject property. In order to accommodate the proposed signage, the applicant is requesting variances to the following regulations from the “Regional District of Nanaimo Sign Bylaw 993, 1995” as shown on Attachment 3:

1. **Section 5(c)** – to increase the maximum width of a sign from 4.0 m to 6.8 m for the proposed fascia sign.
2. **Section 5(c)** – to increase the maximum surface area of a sign from 11.0 m² to 13.0 m² for the proposed fascia sign.
3. **Section 5(c)** – to increase the maximum height of a sign from 4.0 m to 4.9 m for the proposed freestanding sign.

A variance is being requested to increase the maximum building height from 8.0 metres to 13.0 metres for the proposed industrial building. The requested height variance includes an additional 0.2 metre of building height to accommodate for unforeseen design inconsistencies and measurement error. The proposed variance is due to the placement of fill on the property as height is measured from natural grade. Fill is being proposed to create a level building site and yard area that is required to support the proposed industrial use. If the proposed building were

constructed on a level lot, it would be approximately 9.8 metres in height. The use of the proposed building requires overhead equipment (bridge crane) and adequate overhead clearances to accommodate large equipment and to perform repairs.

The applicant has minimized the requested height variance by incorporating a low-pitched roof design which results in a building that is consistent with the context of surrounding buildings. The applicant is also proposing the use of full cutoff LED lighting on the proposed building to minimize light pollution (see Attachment 4 – Building Elevations).

A variance to Schedule 3F is proposed to vary the landscaping requirements as necessary to allow the proposed landscaping. As Schoolhouse Road is a designated highway in Schedule '3F', a combination of a 5.0 metre buffer and a 2.0 metre screen are required. To satisfy the DPA guidelines, the applicant has submitted a landscaping plan prepared by Insignia Landscapes dated October 12, 2018 (see Attachment 7 – Landscaping Plan). In support of the proposed landscaping plan, the applicant has submitted a landscaping security deposit in the amount of \$32,550.

The variances to sign height, surface area and width are supported by the scale of the proposed sign in relation to the building it will be located on. The proposed variances would result in signage that is generally considered to be appropriate given the industrial nature of the proposed development and the context of the surrounding uses. The size, location and design of the proposed signs is architecturally integrated with the overall design of the building and the proposed signage is not illuminated (see Attachment 5 – Proposed Signage).

Board Policy B1.5 "Development Variance Permit, Development Permit with Variance and Floodplain Application Evaluation" for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration of a variance proposal. The proposed development is consistent with the South Wellington DPA guidelines. Given that the applicant has provided sufficient rationale and the variance will not result in negative implications for adjacent properties, the applicant has made reasonable efforts to address Board Policy B1.5.

Environmental Implications

To address the DPA guidelines related to protection of the natural environment, the applicant has submitted a Storm Water Management Report prepared by Newcastle Engineering Ltd. dated October 18, 2018. The report recommends and provides a design for the installation of a storm water drainage system designed to ensure that storm water leaving the site after development does not exceed predevelopment levels and is free of contaminants. The report recommends the installation of an oil water separator and a bi-yearly maintenance interval. It is recommended that the applicant be required to register the report on title as a Section 219 Covenant to require the subject property be developed in accordance with the report and include the recommended maintenance interval (see Attachment 2 – Conditions of Permit).

An Erosion and Sediment Control Plan has been prepared by Newcastle Engineering Ltd. in partnership with Lewkowich Engineering Associates Ltd. dated November 29, 2018. The Plan proposes a number of measures to ensure that sediments do not leave the site during construction. Development of the subject property in accordance with the Sediment and Erosion Control plan is recommended as a condition of approval of this development permit (see Attachment 2 – Conditions of Permit).

Given that the proposed development has been assessed by an engineer, and protective measures are being proposed, no negative environmental impacts are anticipated.

Intergovernmental Implications

The application was referred to the RDN Fire Services Coordinator and the South Wellington Volunteer Fire Department. Concerns were raised by the Fire Chief regarding the ability of the Fire Department to shuttle the minimum required water volumes for commercial firefighting purposes.

RDN Fire Services indicates that shuttling water from the Cranberry Volunteer Fire Department to the subject property for the purpose of residential firefighting is feasible. However, shuttling water for commercial firefighting purposes requires the installation of additional onsite storage with a minimum of 24,000 imperial gallons to sustain the Fire Underwriters commercial requirement of 400 imperial gallons for a duration of two hours for firefighting purposes.

Providing a minimum water storage capacity of 24,000 imperial gallons on the subject property would also address fire flows for the adjacent properties. As a result, this would satisfy the fire protection condition that was included within DP PL2017-150, which required a fire flow calculation and potential onsite water storage prior to final inspection. It should be noted that the industrial building approved by DP PL2017-150 is currently under construction and as of the date of this report, the condition related to fire protection has not been satisfied. Therefore, it is recommended that the applicant be required to install a water storage tank with a minimum capacity of 24,000 imperial gallons with a fire department connection to the satisfaction of the RDN and Fire Chief prior to final inspection (see Attachment 2 – Terms and Conditions of Approval).

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2018-175 subject to the terms and conditions outlined in Attachments 2 to 7.
2. To deny Development Permit with Variance No. PL2018-175.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The Plan's "Focus on the Environment" states that the Board will focus on protecting and enhancing the environment in all decisions. The DPA guideline requirement for a rain water management plan helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Greg Keller
gkeller@rdn.bc.ca
December 19, 2018

Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations
5. Proposed Signage
6. Sediment and Erosion Control Plan
7. Landscaping Plan

Attachment 2

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2018-175:

Bylaw No. 500, 1987 Variances

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 13.0 m for a proposed industrial building as shown on Attachment 3.
2. **Schedule 3F – Landscaping Regulations** to vary the applicable bylaw buffer and screening requirements to allow landscaping that is consistent with the development permit area guidelines as shown on Attachment 7.

Bylaw No. 993, 1995 Variance:

With respect to the lands, “Regional District of Nanaimo Sign Bylaw No. 993, 1995” is varied as follows:

1. **Section 5(c)** – to increase the maximum width of a sign from 4.0 m to 6.8 m for the proposed fascia sign.
2. **Section 5(c)** – to increase the maximum surface area of a sign from 11.0 m² to 13.0 m² for the proposed fascia sign.
3. **Section 5(c)** – to increase the maximum height of a sign from 4.0 m to 4.9 m for the proposed freestanding sign.

Condition Prior to Issuance:

The issuance of this permit shall be withheld until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Storm Water Management Report prepared by Newcastle Engineering Ltd. dated October 18, 2018, and includes a maintenance schedule.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Herold Engineering, dated December 18, 2018 and attached as Attachment 3.
2. The site is developed in accordance with the Erosion and Sediment Control Plan prepared by Newcastle Engineering Ltd. in partnership with Lewkowich Engineering Associates Ltd. dated November 29, 2018 and attached as Attachment 6.

3. The proposed development is in general compliance with the Storm Water Management Report prepared by Newcastle Engineering Ltd. dated October 18, 2018
4. The proposed development is in general compliance with the plans and elevations prepared by Herold Engineering dated December 18, 2018 and attached as Attachment 4.
5. The proposed development is in general compliance with the signage plans and elevations prepared by Zip Signs, dated December 6, 2018 and attached as Attachment 5.
6. The proposed landscaping shall be provided and maintained in accordance with the Landscaping Plan prepared by Insignia Landscapes, dated October 12, 2018 and attached as Attachment 7.
7. The applicant shall provide a landscaping security in the amount of \$32,550.00.
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Conditions Prior to Final Inspection

The applicant shall be required to install a water storage tank with a minimum capacity of 24,000 imperial gallons fitted with a fire department connection to the satisfaction of the RDN and Fire Chief prior to final inspection.

BURBANK DEVELOPMENTS LTD

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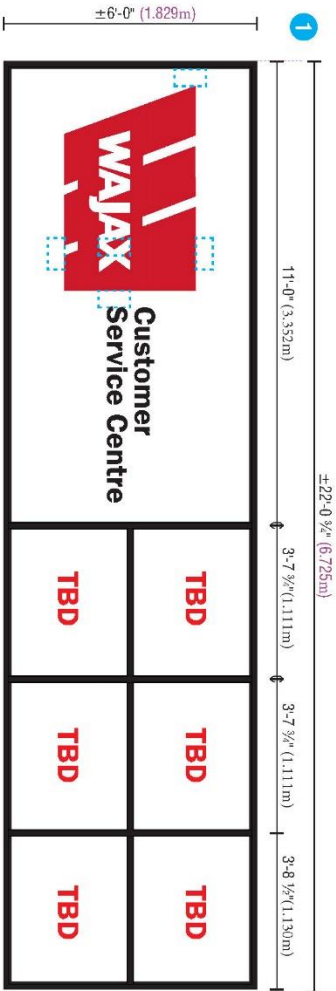
Attachment 3 (Page 2 of 2)
Proposed Site Plan and Variances – Enlarged for Convenience



Attachment 4
Building Elevations



Attachment 5 (Page 1 of 2)
Proposed Signage



Sign 1
Supply & install (1) new s/s non-illuminated display

Graphics / Substrate
Digitally printed logos
Red 3630-33 and Black 3630-22 vinyl graphics, applied to inst surface of White Lexan face

Construction
EK-14 aluminum filler
EX-13 aluminum frame
1" x 2" aluminum internal angle bracing
2" Signcomp 2138 aluminum H-bars
24ga metal back
Paint
All exposed metal painted black

Note
Provide weeping holes

Site survey required to confirm wall details for mounting
Client to confirm vendor logos

Red 3630-33 Vinyl
Black Paint
Black 3630-22 Vinyl
Digital Print

S:\customers\WJAX\WJAX 2018 Reference\S0028419 - BC106 Design	
www.zipsigns.com	Client WJAX
5040 North Service Rd. Burlington, ON Ph. 905-332-8332 Fax 905-332-9994	Address 2110 School House Rd. Nanaimo BC
Dwg No. S0028419	Designer YS
Sales	Yvonne Overton
Date	Nov 27, 2018
Rev.3	December 06, 2018 DH
Rev.2	December 05, 2018 DH
<input checked="" type="checkbox"/> CONCEPTUAL DESIGN APPROVED	<input type="checkbox"/> SHOP READY DESIGN APPROVED
Scale: 3/8" = 1'-0"	Page: 1 of 4

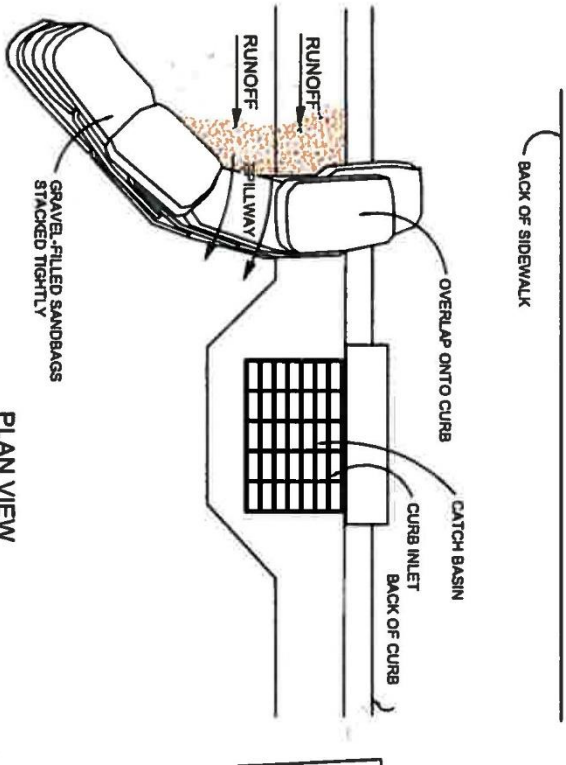
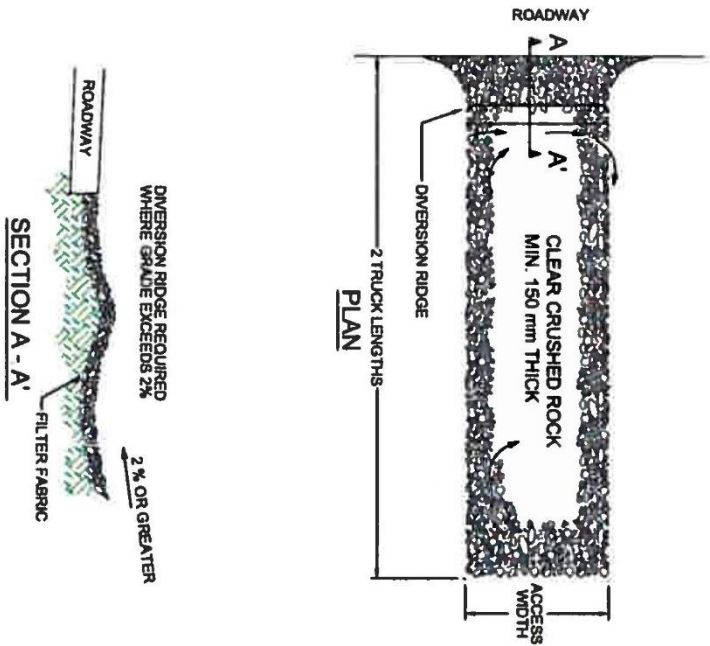


Attachment 6 (Page 2 of 4)
Sediment and Erosion Control Plan – Enlarged for Convenience

- NOTES:**
- 1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO ANY PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEAN OUT OF ANY MEASURES USED TO TRAP SEDIMENT.
 - 2. IF THE ACCESS PAD ALONE IS INADEQUATE, WHEEL WASHING IS REQUIRED. THIS SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.

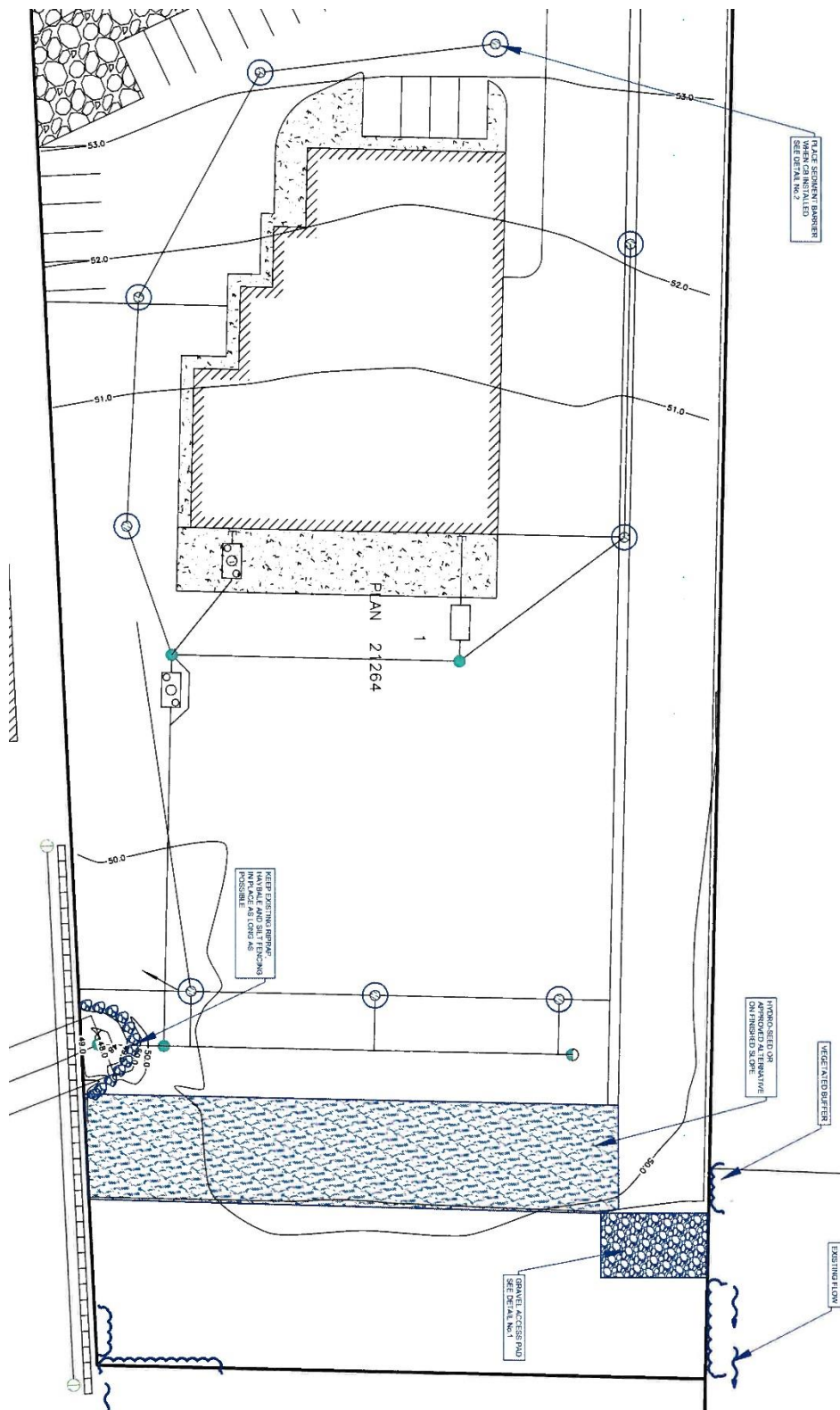
1. GRAVEL
ACCESS PAD

2. CURB AND GUTTER
SEDIMENT
BARRIER



- NOTES:**
- 1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS, WHERE WATER CAN POOL AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
 - 2. SANDBAGS OF EITHER BURLAP OR WOVEN GEOTEXTILE FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.
 - 3. LEAVE A ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY FOR OVERFLOW.
 - 4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

Attachment 6 (Page 3 of 4)
Sediment and Erosion Control Plan – Enlarged for Convenience



Attachment 6 (Page 4 of 4)

Sediment and Erosion Control Plan – Enlarged for Convenience

GENERAL NOTES:

1. EROSION AND SEDIMENT CONTROL FOR THIS PROJECT WILL BE AS OUTLINED IN THE FISHERIES AND OCEANS CANADA AND MINISTRY OF WATER, LANDS AND AIR PROTECTION HANDBOOK ENTITLED "LAND DEVELOPMENT GUIDELINES FOR THE PROTECTION OF AQUATIC HABITAT, MAY 1992" AND "BEST MANAGEMENT PRACTICES FOR URBAN AND RURAL LAND DEVELOPMENT IN BRITISH COLUMBIA, JUNE 2004". IT IS INCUMBENT UPON THE CONTRACTOR TO ACQUIRE THESE GUIDELINES AND FAMILIARIZE THEM SELF WITH THE REQUIREMENTS THEREIN.
2. THE CONSULTANT ASSUMES NO RESPONSIBILITY FOR DAMAGES RESULTING FROM IMPROPER EROSION AND SEDIMENT CONTROL MEASURES UNDERTAKEN BY THE CONTRACTOR.
3. ANY DIRECTION GIVEN BY THE ENGINEER TO THE CONTRACTOR FOR EROSION AND SEDIMENT CONTROL AND NOT FOLLOWED BY THE CONTRACTOR WILL BE REPORTED TO THE REGIONAL DISTRICT OF NANAIMO.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT NO MUD, DIRT, SOIL, SILT OR ANY OTHER SUBSTANCES ARE SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY, OR AREAS THAT LEAD TO CATCH BASINS CONNECTED TO PUBLIC SYSTEMS. THE CONTRACTOR IS TO CLEAN UP ANY SUCH MATERIAL IMMEDIATELY.
5. THE CONTRACTOR IS TO CARRY OUT ROUTINE INSPECTIONS AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL SYSTEM COMPONENTS ON-SITE. AT A MINIMUM, THE CONTRACTOR SHALL INSPECT ALL BMP's WEEKLY, PRIOR TO ANY SIGNIFICANT STORM EVENTS AND PROVIDE A REPORT TO THE CONSULTANT FOR REVIEW.
6. DURING AND/OR FOLLOWING EACH SIGNIFICANT STORM EVENT, THE CONTRACTOR SHOULD ENSURE THAT TURBID WATERS FROM SOURCES ASSOCIATED WITH CONSTRUCTION ARE NOT ENTERING THE STORM DRAINAGE SYSTEM. THE CONTRACTOR SHALL RECORD INSPECTION DATES C/W ANY SIGNIFICANT OBSERVATIONS AND ACTIONS TAKEN, AND THEN INFORM THE CONSULTANT AND REGIONAL DISTRICT OF NANAIMO.
7. LEWKOWICH ENGINEERING ASSOCIATES (LEA) PERSONNEL WILL VISIT THE SITE TO ASSIST THE CONTRACTOR WITH THE IMPLEMENTATION OF THE ESCP DURING STORM EVENTS, AND TO PROVIDE INDEPENDENT ESCP INSPECTION, MONITORING, AND DOCUMENTATION. MODIFICATIONS TO THE ESCP, IF NECESSARY, WILL BE PROVIDED IN A WRITTEN MEMO FORMAT.

EROSION CONTROLS (EC):

1. **RETAIN VEGETATION** - PRIOR TO CONSTRUCTION, AREAS OF NO DISTURBANCE AND/OR VEGETATION TO BE RETAINED AND SHALL BE FENCED OFF AND/OR FLAGGED FOR PROTECTION. THESE MEASURES ARE TO REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD.
2. **STOCKPILE PROTECTION** - ALWAYS COVER STOCKPILES OF SILTY SOILS WITH A TARP OR PLASTIC SHEETING WHEN STOCKPILES WILL NOT BE USED WITHIN 2-3 DAYS, OR WHEN RAIN IS EXPECTED.
3. **MULCHING** - TO PREVENT AND CONTROL EROSION APPLY A THIN (25-50mm) LAYER OF ORGANIC/BIODEGRADABLE MATERIAL TO DISTURBED AREAS. THE MATERIAL SHOULD BE SPREAD UNIFORMLY AND BE FREE OF WEEDS AND COARSE MATTER, AIR DRIED AND APPLIED WITH A MULCH BLOWER, CHIP HANDLER OR BY HAND. THEN "TRACKED-IN" USING AN EXCAVATOR OR SUITABLE HEAVY EQUIPMENT.

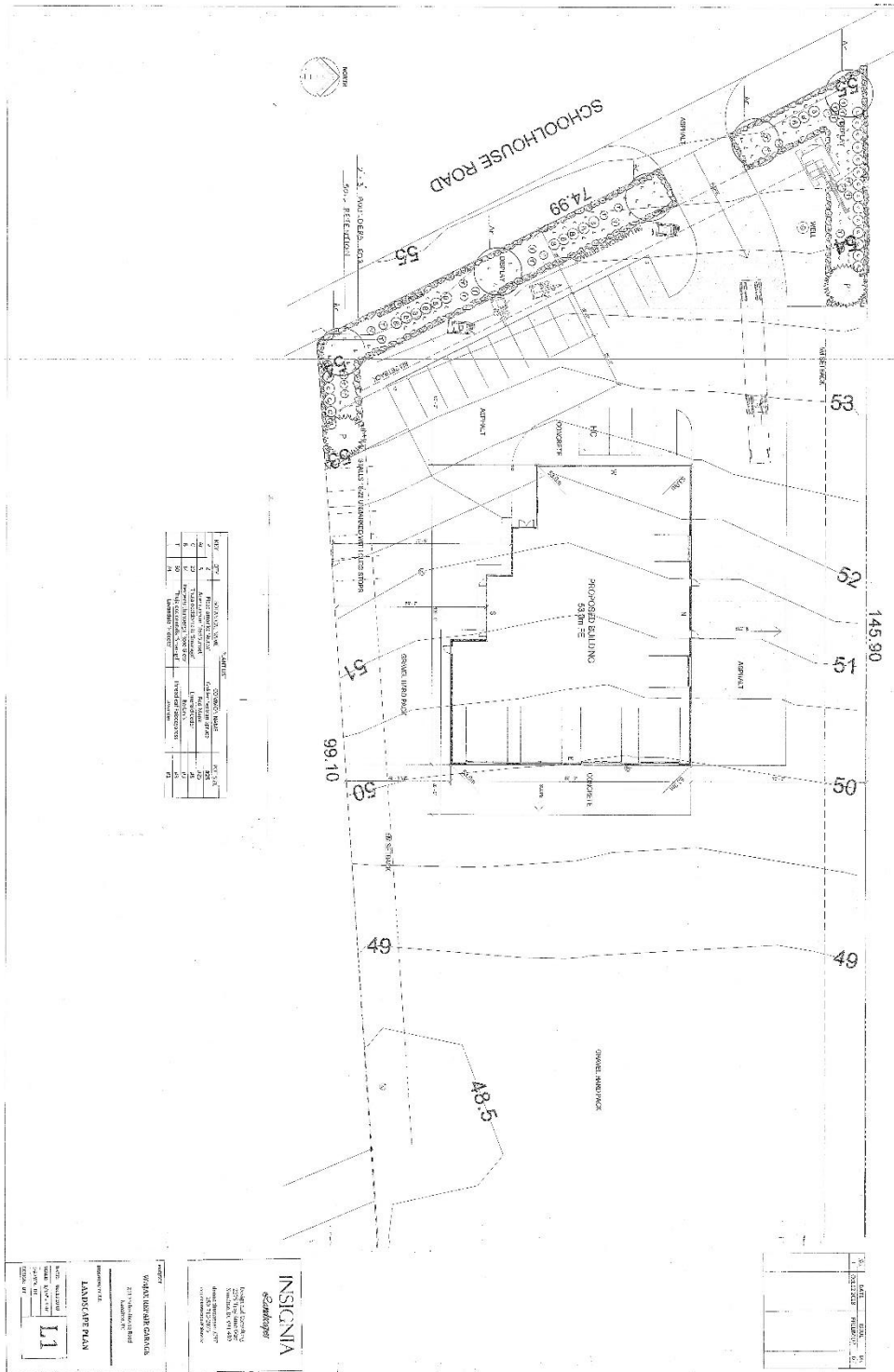
RUNOFF CONTROLS (RC):

1. **TRENCHING** - LIMIT DISTURBANCE TO 4.0 m ON EITHER SIDE OF TRENCHING. STRIP AND STOCKPILE TOPSOIL AND ROOT MATTER SEPARATELY FROM MINERAL SOIL; STOCKPILE THE ROOT MATTER AND TOPSOIL ON THE DOWN-SLOPE SIDE OF THE TRENCH AND MINERAL SOIL ON THE UP-SLOPE SIDE OF THE TRENCH TO DEFLECT ANY UP-SLOPE FLOW THAT MAY OCCUR. IF EXCAVATED SOIL WILL NOT BE RE-USED, REMOVE IMMEDIATELY. SILT FENCE SHOULD BE ERECTED BETWEEN THE TRENCHING OPERATION AND AREAS OFF-SITE. BACKFILL ALL EXCAVATIONS UP TO THE 'WORKING END' OF THE PIPE BY THE COMPLETION OF EACH WORK DAY. FOLLOWING BACKFILL, MATCH THE EXISTING GROUND SURFACE (I.E. THE FINISHED TRENCH SHOULD NOT FORM A BERM OR SWALE THAT WOULD CONCENTRATE OVERLAND FLOWS OF SURFACE WATER).

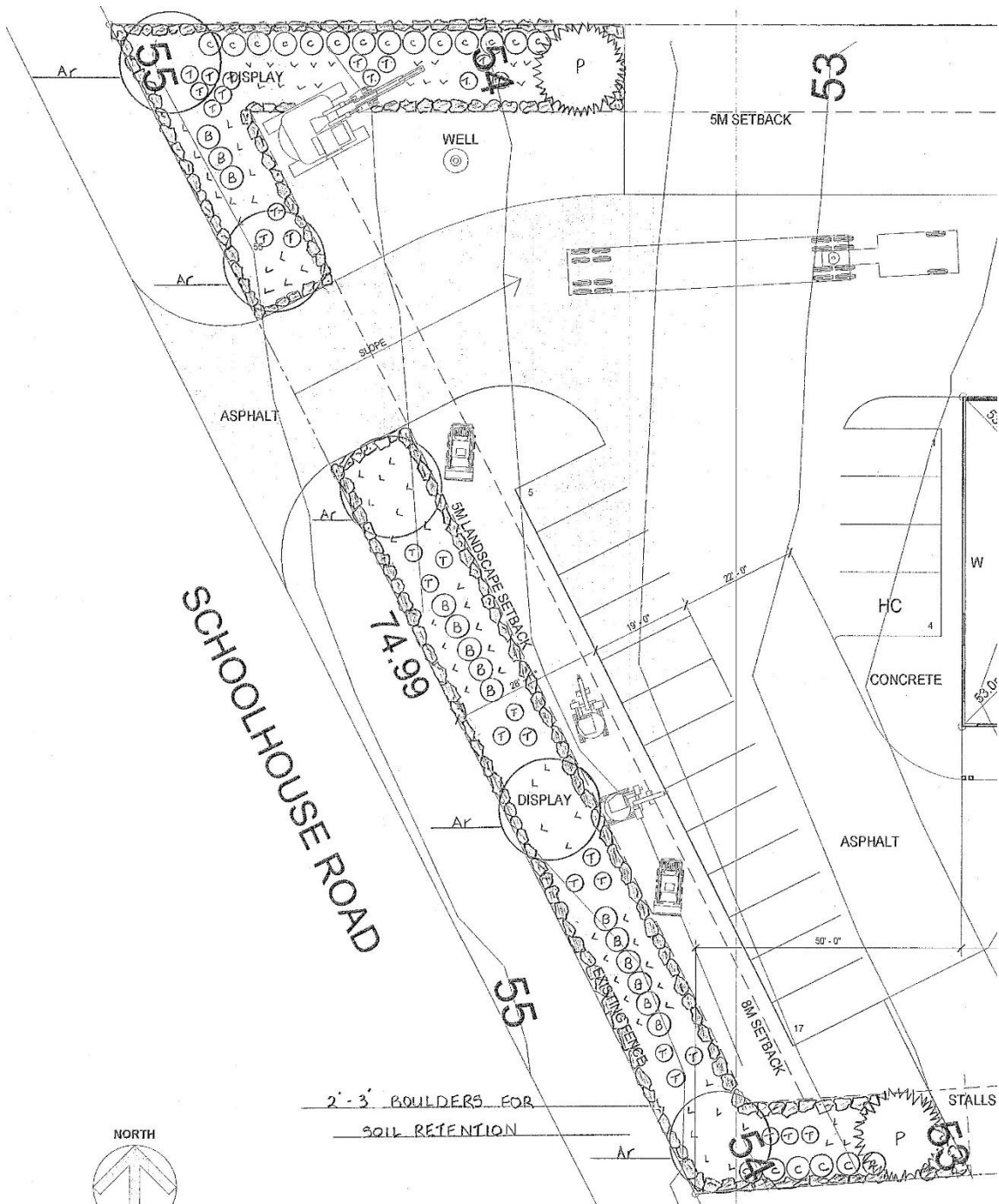
SEDIMENT CONTROLS (SC):

1. **ACCESS PAD** - CONSTRUCT AN ACCESS PAD TO REDUCE OFFSITE SEDIMENTATION. INSTALL PAD PRIOR TO USE OF HEAVY EQUIPMENT OR SITE GRADING OPERATIONS, AND MAINTAIN THE PAD THROUGHOUT CONSTRUCTION OPERATIONS. THE ACCESS PAD MAY BE REMOVED DURING PREPARATION FOR PAVING.

Attachment 7 (Page 1 of 2)
Landscaping Plan



Attachment 7 (Page 2 of 2)
Landscaping Plan – Enlarged for Convenience



PLANT LIST				
KEY	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE
P	2	<i>Picea omorika</i> 'Aurea'	Golden Serbian Spruce	#25
Ar	5	<i>Acer rubrum</i> 'Red Sunset'	Red Maple	#25
C	20	<i>Thuja occidentalis</i> 'Smaragd'	Emerald Cedar	#5
B	14	<i>Berberis thunbergii</i> 'Rose Glow'	Berberis	#3
T	30	<i>Thuja occidentalis</i> 'Smaragd'	Threadleaf Falsecypress	#3
L	74	<i>Lavandula</i> 'Hidcote'	Lavender	#1